DOCUMENT RESUME

ED 220 384 SO 014 238

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| TITLE | Law 302. |
| INSTITUTION | Manitoba Dept. of Education, Winnipeg. |
| REPORT NO | ISBN-0-86497-050-1 |
| PUB DATE | Sep 82 |
| NOTE | 100p.; This guide is a replacement of the Temporary Revision of 1977. |
| EDRS PRICE | MF01/PC04 Plus Postage. |
| DESCRIPTORS | *Business Education; Comparative Education; Contracts; Crime; Educational Objectives; Employment; Foreign Countries; Insurance; Learning Activities; *Legal Education; Resource Materials; Secondary Education; Torts |
| IDENTIFIERS | *Canada |

ABSTRACT

This publication outlines a law course intended as part of a business education program in the secondary schools of Manitoba, Canada. The one credit course of study should be taught over a period of 110-120 hours of instruction. It provides students with an introduction to the principles, practices, and consequences of law with regard to torts, contracts, property rights, family, inheritance, crimes, insurance, and employment. While the course is designed to provide background to business and commercial situations, there are many topics dealing with the circumstances found in private life. Students are involved in many activities. They read and discuss textbook selections and newspaper and journal articles, do library research, prepare bulletin boards, take field trips to courts, and develop a scrapbook of newspaper legal cases on crime. The outline first lists the specific goals and objectives. Learning activities and materials are then suggested for the goals and objectives. (RM)

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LAW 302

Manitoba Department of Education
1982

Approved by the Minister of Education

SP 014 238

This guide replaces the Law 302 guide of 1975 and the Temporary Revision of 1977 and becomes effective generally in September 1982. It has been developed as part of the Socio-Economic cluster of courses designed to provide guidelines for vocational business education.


## ACKNOWLEDGEMENTS

The members of the Socio-Economic Curriculum Committee:

Gilbert Brandson
Sturgeon Creek Regional
Secondary School
St. James-Assiniboia
School Division #2

Tom Easton (chairperson)
John Taylor Collegiate
St. James-Assiniboia
School Division #2

Larry Kalmacoff
J.H. Bruns Collegiate
St. Boniface
School Division #4

Dawn McFarlane
Lord Selkirk Regional
Secondary School
Lord Selkirk
School Division #11

W. H. Gray
Price, Waterhouse and Company
Winnipeg, Manitoba

Consultants to the Committee:

I. M. Dryden
and
H. Marshall Draper
Program Development Directorate
Manitoba Department of Education

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## RATIONALE

Law 302 is one course in the cluster of courses referred to as the Socio-Economic cluster. It is intended that Law 302 be studied as part of a business education program to support saleable skills with principles found in business. Therefore, courses considered complementary to Law 302 would include any of the programs -- secretarial and office skills, accounting and data processing, marketing and distribution -- offered by the school.

Because of the strong socio-economic value of Law 302, it is a course suited to any student in the school as an option to any program, be it preparation for university, business education, vocational industrial, or any other clustering of courses.

Law 302 provides the student with an introduction to the principles, practices, and consequences of law with regard to torts, contracts, property rights, family, inheritance, crimes, insurance, and employment. While the course is designed to provide background to business and commercial situations, there are many topics dealing with the circumstances found in private life.

## EVALUATION

Student evaluation should be closely related to the objectives of the curriculum. Care should be taken to evaluate both the cognitive and affective learning domains. Cognitive tests should consider a variety of test items to serve a range of student abilities.

Tests should vary so that specific objectives can be measured, or that concepts can be better understood. Short-answer tests (multiple choice, true-false, definitions) provide an objective means of assessing learning. The use of essays to answer questions is suited to demonstrate general understandings. The teacher should consider research projects, written assignments, and daily classroom participation as significant in evaluating student learning. The most appropriate testing technique would depend upon the purpose of the test, testing conditions, and the goals to be achieved.

Law 302 intends to increase the students' awareness and appreciation of laws that govern and protect society. Evaluation in Law 302 should include measurements of student attitude, awareness, interest, empathy, appreciation, value preference, and responsiveness. These affective domains may be determined by using questionnaires, interviews, field trips, debates, projects, and attitude and preference scales.

## TIME ALLOTMENT

As a one-credit course of study in Manitoba secondary schools, Law 302 should be taught over a period of 110 - 120 hours of instruction.

## GOALS AND OBJECTIVES

I. Origin and History

The student should be able to:

- develop an understanding of the need for laws to govern and protect society;
- explain the need for laws to protect society;
- develop an understanding of the influence of past civilizations;
- trace the development of law from the past to the present;
- explain how laws reflect societal changes.

II. Canadian Legal System

The student should be able to:

- develop an awareness of the different sources of law;
- identify and explain the different sources of law;
- identify the divisions of law;
- develop an understanding of the differences between civil and criminal law;
- explain the differences between civil and criminal law;
- develop an understanding of the need for a court system;
- identify the types of courts;
- develop an understanding of the function and jurisdiction of each of the different types of courts;
- chart the court system;
- identify the court that has jurisdiction in a given situation.

III. Criminal Law

The student should be able to:

- define the term crime;
- identify the elements of a crime;
- classify crimes;
- determine, from given data, whether or not a crime has been committed;
- develop an understanding of the need for safeguards of individual liberty;
- identify the four major safeguards of individual liberty;
- explain how each of the safeguards protects the individual;
- develop an understanding of the criminal justice procedure;
- identify and describe the processes of the criminal justice procedure;
- develop an understanding of the categories of specific offences;
- identify and explain the three categories of specific offences;
- understand the purpose of punishment and rehabilitation;
- identify and explain the reasons for punishment and for rehabilitation programs;
- list and describe the types of punishment;
- summarize various types of rehabilitation programs.

IV. Torts

The student should be able to:

- develop an understanding of the legal concepts related to "the duty of care" and "the reasonable man";
- define the term tort;
- differentiate between torts and crimes;
- develop an understanding of the classifications of torts;
- identify and explain the classification of torts;
- develop an understanding of the civil litigation procedure;
- identify and describe the processes of civil litigation;
- develop an understanding of the meaning and purpose of remedies;
- identify and explain the types of remedies available to the injured party;
- determine, from given data, if a tort has been committed and suggest an appropriate remedy.

V. Contracts

The student should be able to:

- define the term contract;
- identify and describe the essential elements of a contract;
- identify and explain the different forms of a contract;
- develop an understanding of the concept of offer and acceptance;
- identify and explain the requirements of a valid offer and acceptance;
- identify and explain circumstances resulting in the termination of an offer and acceptance;
- determine and evaluate, from given data, if an agreement is valid;
- develop an understanding of the concept of consideration;
- explain what constitutes valuable/good consideration;
- identify the types of consideration;
- determine, from given data, whether valuable consideration is present;
- develop an understanding of the concept of genuine consent;
- explain what constitutes genuine consent;
- identify and explain the circumstances resulting in lack of consent;
- determine, from a selection of cases, whether genuine consent is present;
- develop an understanding of the concept of legal capacity;
- explain the purpose of limiting the legal capacity of people to make binding contracts;
- identify the categories of people incapable of being bound to certain contracts;
- determine, from a selection of cases, whether the capacity to make contracts is present;
- develop an understanding of the concept of the legality of contracts;
- identify types of illegal contracts that make an agreement void;
- determine, from a selection of cases, whether legal purpose is present;
- develop an understanding of the legal concepts related to the termination of contracts;





- identify and explain methods of terminating contracts;
- determine, from given data, when, why, how, by whom, and whether a contract is terminated;
- develop an understanding of the concept of remedies applicable to breaches of contracts;
- identify and explain the remedies applicable to breaches of contracts;
- determine, from given data, whether and how a contract has been breached and suggest an appropriate remedy.

VI. Real Property

The student should be able to:

- define real property;
- identify and explain the different types of real property holdings;
- outline and explain the procedures for buying real property;
- develop an understanding of the purpose of the rental contract;
- identify and explain the classes of tenancy;
- identify and explain types of leases;
- outline and explain the purpose and the requisite of a written lease;
- develop an awareness and an understanding of the provincial legislation dealing with real property leases;
- describe the rights and obligations of the landlord and the tenant.

VII. Personal Property

The student should be able to:

- define personal property:
- explain possession in relation to real property:
- explain ownership in relation to real property:
- develop an understanding of the methods of acquiring title to personal property:
- identify and explain the methods of acquiring title to personal property:
- explain finding as it relates to derivative acquisition of title;

- develop an understanding of the relationship between gifts and the derivative acquisition of title;
- explain the relationship between gifts and the derivative acquisiton of title;
- develop an understanding of the relationship between bailment and the derivative acquisition of title;
- identify and explain the classes of bailment;
- define the term pledge;
- explain how the principles of bailment apply to a pledge;
- define the term lien;
- explain how the principles of bailment apply to a lien.

VIII. Family Law

The student should be able to:

- develop an understanding of the purpose of family law;
- understand that engagement and marriage are contracts;
- identify the rights and responsibilities of each partner;
- list and explain the requirements of a valid and legal marriage;
- understand the remedies available if an engagement contract is terminated;
- identify the legal grounds for annulment, separation and divorce;
- understand the remedies available if a marriage contract is terminated;
- understand the legal implications of a common-law relationship;
- understand the rights and obligations of parents and children;
- list the legal procedures for determining custody of children following a marriage breakup;
- identify the legal procedures involved in adoption.

IX. Wills and Inheritances

The student should be able to:

- understand the need for and the importance of preparing a will;
- understand who has the legal capacity to make a will;
- identify the types of wills;
- explain the advantages of ordinary wills and holograph
- wills;
- list the duties of an executor/executrix, administrator/administratrix or trustee;
- understand the limitations on an individual's right to dispose of property by will;
- describe the distribution of property not disposed of by will.

X. Manitoba Law

The student should be able to:

- identify and explain the function of the agencies which provide information and protection to the individual;
- identify sources and kinds of legal information available in published form;
- identify other sources of legal information and assistance.

XI. Insurance Contracts

The student should be able to:

- develop an understanding of economic risks;
- understand and explain the concept of risk-sharing through insurance;
- list the types of risks that can be insured;
- develop an awareness of the different kinds of insurance;
- identify the kinds of insurance protection.

XII. Employment Law

The student should be able to:

- understand the need for and the importance of laws to regulate employer/employee relationships;
- identify and explain the three categories of employer/employee relationships;
- understand that the degree of responsibility of the employer/employee varies with the status of the employee;
- explain the rights and responsibilities of the employer and employee in each of the three categories of employer/employee relationships;
- understand the need for and the importance of an employment contract;
- develop an awareness of the legislation for employment contracts under common and statute law;
- develop an awareness of the employer/employee rights, responsibilities, and protection under common and statute law.

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| 1. ORIGIN AND HISTORY | | |
| A. Reasons for Law | | |
| The student should be able to: | | |
| 1. develop an understanding of the need for laws to govern and protect society; | Emphasize the need for rules to indicate where the freedom of the individual ends and the freedom of others begins. | LAW: A series of rules covering human relationships |
| 2. explain the need for laws to protect society. | Have the students study and discuss a case/cases to explain the need for laws. | Textbooks |
| B. History of Law | | |
| The student should be able to: | | |
| 1. develop an understanding of the influence of past civilizations; | Explain that written law developed throughout history as societies became more complex. | |
| 2. trace the development of law from the past to the present; | Have the students trace the development of law:<br>- Prepare a chart (time line) to illustrate the historical development of law.<br>- Prepare an oral report on the following: Code of Hammurabi, Code of Hebrew or Mosaic Law.<br>- Research and prepare a written report on the life and achievements of Emperor Justinian.<br>- Work on library assignments on Roman Civil Law, Magna Carta, English Common Law, Napoleonic Code, International Law, Jewish Law, Canon Law, B.N.A. Act, Constitution of Manitoba. | Encyclopedia<br>Books on the history of law<br>Resource Unit for the History of Law; History and Comparative Systems of Law (PLEA); Our Legal System (PLEA); available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| 3. explain how laws reflect societal changes. | Discuss the relationship between the laws of yesterday and the laws of today. Refer to traffic, drugs, marriage, and the use of children in labour.<br>Emphasize the effect of attitudes, philosophies, customs, and technological changes on law. | Newspapers<br>Periodicals<br>Textbooks |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| II. CANADIAN LEGAL SYSTEM | | |
| A. Sources of Law | | |
| The student should be able to: | | |
| 1. develop an awareness of the different sources of law; | Explain that the laws governing Canada have developed over a long period of time. | Our Legal System (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br>Textbooks |
| 2. identify and explain the different sources of law. | Have the students research and explain the two sources of law in Canada. | SOURCES OF LAW<br><br>1. Roman Civil Law<br>2. English Common Law |
| B. Divisions of Law | | |
| The student should be able to: | | |
| 1. identify the divisions of law; | Discuss and explain the classification of law according to its nature and purpose.<br><br>Explain other classifications of law:<br><br>- constitutional law<br>- statute law<br>- military law<br>- international law<br>- administrative law | Criminal Law (PLEA);<br>Our Legal System (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br>CLASSIFICATION OF LAW ACCORDING TO NATURE AND PURPOSE<br><br>1. Criminal Law<br>2. Civil Law |
| 2. develop an understanding of the differences between civil and criminal law; | Have the students research literature and discuss the differences between criminal and civil law. | |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| 3. explain the differences between civil and criminal law. | Have the students prepare a chart/bulletin board display to illustrate the differences between civil and criminal law. | <u>CRIMINAL LAW</u><br>1. Covers the area of law which specifically prohibits certain acts<br>2. Provides penalties for those persons committing such acts<br>3. Is codified in the Criminal Code of Canada and uniform throughout Canada<br><br><u>CIVIL LAW</u><br>1. Covers the area of law governing the relations between individuals<br>2. Includes such areas as contracts, business, property, torts, insurance, etc.<br>3. Differs from province to province |
| C. Court System<br><br>The student should be able to:<br><br>1. develop an understanding of the need for a court system;<br><br>2. identify the types of courts; | Explain that each province is responsible for establishing courts to administer justice and interpret federal and provincial laws in the province and that the federal government of Canada administers two courts.<br><br>Have the students list the courts in the province and federal legal system. | <u>Resource Unit for Criminal Law: Our Legal System (PLEA)</u>, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br><u>PROVINCIAL COURTS</u><br>1. Provincial Judges Court<br>2. Small Debts Court<br>3. Surrogate Court<br>4. County Court<br>5. Court of Queen's Bench<br>6. Court of Appeal (Manitoba)<br>7. Juvenile Court<br>8. Family Court<br>9. Court of Revision |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| | | FEDERAL COURTS<br><br>1. Federal Court of Canada<br>2. Supreme Court of Canada |
| 3. develop an understanding of the function and jurisdiction of each of the different types of court; | Discuss and explain the function of each court and/or appoint two or three class members to interview a local attorney for information on this matter. | |
| 4. chart the court system; | Have the students draw a chart of the court system and show the avenues of appeal. Inside each box in the chart, include the name of each court and its function. | |
| 5. identify the court that has jurisdiction in a given situation. | Prepare a list of cases and/or collect newspaper clippings about criminal and civil law and have the students identify the court/courts system applicable to each case.<br><br>Arrange court visitations and have the students prepare reports on the visitations. | |
| III. CRIMINAL LAW<br><br>A. Nature of a Crime<br><br>The student should be able to: | | |
| 1. define the term <u>crime</u>; | Discuss and define the term <u>crime</u>.<br><br>Explain that Canadian criminal law originated in England. | <u>Criminal Law</u> (PLEA) available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br><u>CRIME:</u> An act or omission regarded as harmful to society and defined as an offence by federal statute |

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| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| 2. identify the elements of a crime; | Discuss the elements of a crime:<br>1. A wrong against society<br>2. A wrong commited by intent or with a guilty mind | |
| 3. classify crimes; | Identify and discuss the classifications of crimes based on the Canadian Criminal Code:<br>1. Indictable offences<br>2. Summary conviction offences<br><br>Have the students give examples of each classification. | |
| 4. determine, from given data, whether or not a crime has been committed. | Having the students prepare the following assignments:<br>- develop a file or a scrapbook of legal newspaper cases on crimes;<br>- group them into two divisions: (1) indictable offences, (2) summary conviction offences;<br>- select the one case in each division considered to be the most interesting;<br>- report on each case giving the pertinent facts about each, and explain how the cases were settled. | Case studies<br>Newspapers |
| B. Safeguards of Individual Liberty<br><br>The student should be able to: | | |
| 1. develop an understanding of the need for safeguards of individual liberty; | Discuss the fact that the interests of the state sometimes conflict with the freedom of the individual:<br>- that the state arrests, searches, tries, and punishes certain persons to protect society;<br>- that the state may not do this unless there is legal authority to do so; otherwise the state would be violating the individual's "legal civil liberties";<br>- that legal rights protect the individual from unfair or arbitrary enforcement of law. | <u>INDIVIDUAL LIBERTIES</u><br><br>1. Freedom from arbitrary arrest<br>2. Freedom from unlawful search and seizure<br>3. The right to a fair trial<br>4. The right to counsel<br>5. The right to due process of law |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| | Point out that the rights and freedoms of the individual have their legal roots in the Magna Carta. | |
| 2. identify the four major safeguards of individual liberty; | Discuss the safeguards of individual liberty. Have students research cases (texts, newspapers) where these safeguards are abused or overlooked. | SAFEGUARDS OF INDIVIDUAL LIBERTY<br>1. Habeas Corpus Act<br>2. Trial by jury<br>3. Presumption of innocence<br>4. Right of appeal |
| 3. explain how each of the safeguards protects the individual. | Have the students discuss, research the literature, and prepare reports on the protective features of the safeguards of individual liberty. | |
| C. Criminal Justice Procedure | | |
| The student should be able to: | | |
| 1. develop an understanding of the criminal justice procedure; | Explain that wherever societies exist, the activities of some of the members of society will result in criminal acts against individuals and against society. Point out that the purpose of criminal justice is to protect individuals and society; and that legal procedures are necessary in criminal law. | |
| 2. identify and describe the processes of the criminal justice procedure. | Explain and have the students prepare charts/ bulletin board displays outlining the procedure for summary conviction offences, and the procedure for indictable offences. | Criminal Law (PLEA); Resource Unit for Criminal Law; Criminal Procedure, available at the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| D. Specific Offences<br><br>The student should be able to: | | |
| 1. develop an understanding of the categories of specific offences; | Emphasize that the Canadian Criminal Code and other federal legislation create hundreds of criminal offences; and that the different conditions and the times have influenced parliament to create many offences. | Canadian Criminal Code |
| 2. identify and explain the three categories of specific offences. | Explain the three broad categories of specific offences and have the students give examples of crimes for each of the categories. | SPECIFIC OFFENCES<br><br>1. Offences against the person<br>2. Offences against the property<br>3. Offences against the state |
| | Relate the following functions of criminal law to each of the categories of specific offences:<br><br>- protect people against personal violence (offences against the person);<br>- protect property rights against interference or seizure by others (offences against property);<br>- protect society from danger (offences against the state). | Criminal Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue Winnipeg, Manitoba R3G 0T3<br><br>Introduction to Canadian Criminal Law (Zuber)<br><br>Criminal Law: In the Public Interest, A Law Series (Delbert) |
| E. Punishment and Rehabilitation<br><br>The student should be able to: | | |
| 1. understand the purpose of punishment and rehabilitation; | Emphasize that consideration of the penalty relates to a consideration of the purposes for the criminal law.<br><br>Review the basic purpose of the criminal law. | BASIC PURPOSE OF CRIMINAL LAW: To protect all members of society, including the offender, from seriously harmful and dangerous conduct |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| 2. identify and explain the reasons for punishment and for rehabilitation programs; | Explain the following developments in the theory of punishment to protect society:<br><br>- nineteenth-century view that a person convicted of a crime should suffer and pay for the crime;<br><br>- more modern view that the threat of punishment will deter people from committing a crime.<br><br>Emphasize the following development in the theory of rehabilitation to protect society:<br><br>- twentieth-century view that a convicted person should be rehabilitated and reformed;<br><br>- process of education, persuasion, and medical treatment (where necessary) for the convicted person will correct criminal tendencies and thereby eliminate dangers to society. | Introduction to Canadian Criminal Law (Zuber) |
| 3. list and describe the types of punishment; | Arrange for guest speakers or have the students conduct library research and prepare a report on the types of punishment.<br><br>Discuss aspects of punishment such as disassociation from society; protective custody; and solitary confinement. | Guest Speakers from the R.C.M.P., city police, and/or corrective institutions<br><br>Criminal Law (PLEA) (pages 92-98) available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| 4. summarize various types of rehabilitation programs. | Have the students work in small groups to conduct library research; to interview lawyers, representatives from service clubs, and corrective institutions; and to write a report on rehabilitation programs. | EXAMPLES OF REHABILITATION<br><br>1. Education (upgrading, high school, university)<br>2. Vocational training<br>3. Incentive programs:<br><br>- parole for a day<br>- family visiting<br>- sports activities<br>- entertainment |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| IV. TORTS<br><br>A. Legal Concepts<br><br>The students should be able to:<br><br>1. develop an understanding of the legal concepts related to "the duty of care" and "the reasonable man." | Discuss the responsibility/ies of an individual in relation to the "duty of care" and "the reasonable man."<br><br>Illustrate these two legal concepts by having a class discussion in which the students try to answer questions such as the following:<br><br>- How can you stop another person from trespassing on your property?<br>- Who is responsible for paying for injuries resulting from a car accident?<br>- Do parents have responsibility for the acts of their children?<br>- Can a newspaper/periodical print lies about you?<br>- Who is responsible if someone is injured on your property?<br><br>Compare the student responses to the actual law. | Textbooks<br>Tort Law: In the Public Interest<br>A Law Series (Cohl) |
| B. Definition and Classification<br><br>The student should be able to:<br><br>1. define the term tort: | Encourage the students to make up a definition following the discussion of the above questions. Discuss and define the term tort. | TORT: A private or civil wrong arising from something other than a breach of contract<br>OR<br>an offence which causes injury to a specific individual<br>OR<br>a civil wrong committed by one person against another |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| 2. differentiate between torts and crimes; | Have the students research and discuss the differences between torts and crime.<br><br>Prepare a chart/bulletin board display/ transparency to compare crimes and torts.<br><br><u>CRIME</u><br><br>1. A public wrong<br>2. Prosecution by public officials<br>3. Prosecution heard in a criminal court according to the rules of criminal procedure<br>4. Prosecution usually results in punishment (fine, imprisonment, other) | <u>TORT</u><br><br>1. A civil or private wrong<br>2. Civil suits brought by a private party<br>3. Civil cases heard in civil courts according to civil procedure<br>4. Civil suits usually result in the defendant's being ordered to pay compensatory damages to the plaintiff |
| 3. develop an understanding of the classifications of torts; | Use case studies.<br><br>Have students provide examples from their personal experiences or the experiences of their family, friends, etc. | Textbooks<br><br><u>The Law of Torts</u> (PLEA); <u>Resource Unit for the Law of Torts</u>, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br><u>Tort Law: In the Public Interest</u>, A law series (Cohl) |
| 4. identify and explain the classification of torts. | Intentional torts are wrongs against individuals that deprive them of their rights to use their property, their bodies, or their goods as they wish to do because of interference from another.<br><br>Examples of intentional torts: assault, trespass of property and goods, defamation of character, battery.<br><br>Unintentional torts are wrongs without intent and with carelessness against the individual that result in loss/es to the individual. | <u>CLASSIFICATION OF TORTS</u><br><br>1. Intentional Torts<br>2. Unintentional Torts<br><br>Manitoba Gazette<br><br>Textbooks |

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| | Examples of unintentional torts: negligence, vicarious liability.<br><br>Review and discuss the principles of "the reasonable person" and the "duty of care". | |
| | Have the students classify intentional and unintentional torts from collections of newspaper clippings and/or case studies. | The Law of Torts (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| C. Civil Procedure<br><br>The student should be able to: | | |
| 1. develop an understanding of the civil litigation procedure; | Explain that wherever societies exist, the activities of some of the members of society will result in a chance that one person will injure another by committing a tort.<br><br>Point out that the purpose of civil procedure provides an opportunity for the injured party to seek redress; and that civil procedures vary from province to province.<br><br>Discuss the factors which can affect the decisions of tort cases. | Can I Sue? An Introduction to Canadian Tort Law (Spetz)<br><br>Tort Law: In the Public Interest, A Law Series (Cohl)<br><br>FACTORS AFFECTING TORT CASES<br><br>1. Findings of facts<br>2. Use of precedents<br>3. Provincial statutes<br>4. Morality of society<br>5. Capacity to bear loss<br>6. Settlement |
| 2. identify and describe the processes of civil litigation. | Explain and have the students prepare charts/bulletin board displays outlining the road to a remedy, and the procedure for a small claims court. | Our Legal System (PLEA), pages 188 and 193, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

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| | Arrange for a class visit to a courtroom to listen to a trial. Contact the general office of the court to make arrangements.<br><br>Locate reports of civil disputes and have the students identify the court which will hear the case. | |
| D. Remedies<br><br>The student should be able to: | | |
| 1. develop an understanding of the meaning and purpose of remedies; | Explain that the purpose of a remedy is to compensate an individual against whom a harmful act has been committed. | REMEDY: The means by which a wrongful act is compensated, usually by legal suit<br>OR<br>what the plaintiff hopes to gain by suing<br>OR<br>the means by which a violation of a right is compensated or is prevented |
| 2. identify and explain the types of remedies available to the injured party; | Have the students research sources in the library and prepare a report on the ways to remedy the victims of torts.<br><br>Identify and explain the headings under which damages are awarded:<br><br>- special damages;<br>- general damages;<br>- punitive or exemplary damages;<br>- nominal damages;<br>- contemptuous damages. | REMEDIES FOR VICTIMS OF TORTS<br><br>1. Damages<br>2. Injunctions<br><br>DAMAGES: Compensation for a loss suffered because of a tort<br><br>INJUNCTION: A court order telling a person to cease committing an act<br><br>Canadian Law (Jennings and Zuber) |

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| 3. determine, from given data, if a tort has been committed and suggest an appropriate remedy. | Have students examine newspaper clippings and cases involving torts. Ask the students to analyze the torts and explain why the circumstances constitute a tort. Suggest the remedy for each tort. | Newspapers<br>Textbooks<br>The Law of Torts (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| V. CONTRACTS | | |
| A. Nature of Contract | | |
| The student should be able to: | | |
| 1. define the term contract; | Explain the relationship between the growth of business and the development of contract law.<br><br>Emphasize how the system of rules, customs, and business practices descended from the law merchant of medieval times.<br><br>Define and discuss the term contract.<br><br>Have the students give examples of business contracts and everyday contracts. Emphasize the importance of studying the law of contracts. | CONTRACT: An agreement between two or more persons which the law will enforce<br>OR<br>any agreement enforceable at law |
| 2. identify and describe the essential elements of a contract; | List and explain the essential elements of a contract.<br><br>Discuss the relationship of the essential elements to the definition of contracts.<br><br>Prepare a chart/transparency of the essential elements of a contract. | ESSENTIAL ELEMENTS OF A CONTRACT<br><br>1. Offer and acceptance<br>2. Real consent<br>3. Competent parties<br>4. Valid consideration<br>5. Legal purpose<br><br>The Law of Contracts (Transparency Masters); Contracts (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

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| 3. identify and explain the different forms of a contract. | Discuss the forms of contracts:<br>- specialty contracts (mortgages, long-term leases, deeds to property);<br>- simple contracts.<br>Emphasize that simple contracts may be written, oral, or implied. Discuss the advantages and disadvantages of each form of simple contract.<br>Prepare a bulletin board display of the forms of contracts. | SPECIALTY CONTRACT: A contract that must be "in writing and under seal"<br>SIMPLE CONTRACT: A contract not under seal<br>Examples of contracts |
| B. Offer and Acceptance<br>The student should be able to: | | |
| 1. develop an understanding of the concept of offer and acceptance; | Explain the relationship of the definition of a contract to offer and acceptance.<br>Emphasize that a contract cannot come into existence until an offer has been made by one party and accepted by another party. | OFFER: A definite statement by one party, called the offeror, under which he will contract<br>ACCEPTANCE: The unqualified assent of the other party, called the offeree, to the stated proposal |
| 2. identify and explain the requirements of a valid offer and acceptance; | Discuss the three basic requirements of an offer. Illustrate these requirements by referring to examples in contracts.<br>Have students review case problems to identify how and why an offer was made. | BASIC REQUIREMENTS OF AN OFFER<br>1. The offer must be definite and and certain.<br>2. The offer must be communicated to the offeree.<br>3. The offer must be made with the intention of entering into an enforceable obligation. |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| | Explain the basic requirements of an acceptance. Have students review case problems to determine how and why an acceptance was made. | BASIC REQUIREMENTS OF ACCEPTANCE<br>1. Acceptance of the whole offer must be within a reasonable time.<br>2. Acceptance must be communicated to the offeror.<br>3. Some contracts are accepted by the performance. |
| 3. identify and explain circumstances resulting in termination of an offer and acceptance; | Have the students report on the termination of an offer by analyzing case studies. Ask students to present to class, or debate, the arguments pertaining to reasons that an offer and acceptance should be considered terminated. | TERMINATION OF OFFER<br>1. Revocation of the offer<br>2. Withdrawal of the offer<br>3. Rejection of the offer<br>4. Counter offer<br>5. Lapse of time<br>6. Operation of the law<br>7. Acceptance |
| 4. determine and evaluate, from given data, if an agreement is valid. | Have the students examine newspaper clippings and examples of legal cases involving offer and acceptance. Ask the students to analyze the clippings and the legal cases to determine if they meet the requirements of valid offers and valid acceptances. | Newspapers<br><br>Contracts (PLEA), available in the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| C. Consideration<br><br>The student should be able to: | | |
| 1. develop an understanding of the concept of consideration; | Discuss the historical evolution of consideration. Emphasize that the root of the idea of a contract is the concept of a bargain. Explain that one party must pay a price, that is, do something in return for the promise obtained from the other party. | CONSIDERATION: What parties promise to do (or give in exchange) for what they are going to receive |
| 2. explain what constitutes valuable/good consideration; | Emphasize that the law will not enforce a person's promise to do or to give something unless the person benefiting from this promise does or gives something in exchange. | |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| 3. identify the types of consideration; | Have the students identify and give examples of types of consideration, and indicate the uses of each. | TYPES OF CONSIDERATION<br>1. Money, goods, real property<br>2. A promise<br>3. An act<br>4. Forbearance |
| 4. determine, from given data, whether valuable consideration is present. | Have the students analyze five or six simple contracts that each has made recently. State the consideration given or received in each instance. | Newspapers<br>Case problems |
| D. Genuine Consent | | |
| The student should be able to: | | |
| 1. develop an understanding of the concept of genuine consent; | Emphasize that a person must enter voluntarily into a contract for the contract to be valid. | Examples of contracts/cases in which agreements are genuine |
| 2. explain what constitutes genuine consent; | Discuss the elements of genuine consent and have the students give examples of contracts containing the elements of genuine consent. | ELEMENTS OF GENUINE CONSENT<br>1. Voluntary entry into a contract<br>2. Mutual understanding by all parties |
| 3. identify and explain the circumstances resulting in lack of consent; | Explain the relationship between genuine consent and offer and acceptance.<br><br>List and define the ways by which the parties to a contract may be led or forced into an unreal or a defective agreement: mistake; misrepresentation; fraud; duress; undue influence. | MISTAKE: A misunderstanding of the terms of an agreement<br><br>MISREPRESENTATION: An innocent misstatement of fact, made without the intent to defraud<br><br>FRAUD: Intentional deceit or misrepresentation of material facts<br><br>DURESS: Actual or threatened violence as a means of forcing a person to sign or enter into a contract |

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| | | UNDUE INFLUENCE: The improper use of any power exercised over a person's mind in order to induce him to enter a contract involuntarily |
| 4. determine, from a selection of cases, whether genuine consent is present. | Have the students watch newspapers and bring information to class regarding cases involving mistake, misrepresentation, fraud, duress, undue influence.<br><br>Form committees from the members of the class to work up several short cases, to be presented before the class, which will dramatize mistake, misrepresentation, fraud, duress, undue influence. | Newspapers<br>Textbooks<br>Contracts (PLEA) available from Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| E. Capacity<br><br>The student should be able to: | | |
| 1. develop an understanding of the concept of legal capacity; | Define and discuss the meaning of "competent party." Explain that under the common law, certain classes of people lack capacity (ability) to enter the contracts which will be binding on them. | COMPETENT PARTY: Anyone who is capable of understanding the nature of the contract he enters into, and thus makes the contract enforceable against him<br><br>Textbooks |
| 2. explain the purpose of limiting the legal capacity of people to make binding contracts; | Explain that laws are necessary to protect persons who lack full legal capacity from being taken advantage of when they enter into a contract. | |
| 3. identify the categories of people incapable of being bound to certain contracts; | Explain that the legal capacity of some people is restricted because their mental capacity is restricted or they are prevented by law from making or being bound to contracts because of some special status. | PEOPLE WITH LIMITED LEGAL CAPACITY<br><br>1. Minors<br>2. Mentally impaired<br>3. Intoxicated persons<br>4. Limited companies |

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| | Have the students prepare reports on each of the categories of people not capable of being bound to certain contracts. | |
| 4. determine, from a selection of cases, whether the capacity to make contracts is present. | Have the students examine examples of cases involving legal capacity and/or natural capacity of persons to enter into contracts. Ask the students to report on these cases, pointing out the facts and issues involved and the legal principle that applies to each case. | Newspapers<br>Legal cases |
| F. Legality<br><br>The student should be able to: | | |
| 1. develop an understanding of the concept of the legality of contracts; | Explain that contracts made for the purpose of carrying out illegal acts and contracts against public policy are void. | Legal cases |
| 2. identify types of illegal contracts that make an agreement void; | Have the students research the literature on illegal contracts and prepare written or oral reports to demonstrate their knowledge of illegal contracts. Have the students present to the class their reports and emphasize why the contract cited is illegal and void. | <u>TYPES OF ILLEGAL CONTRACTS</u><br><br>1. Contract to commit a crime<br>2. Contract to perform a tortious act<br>3. Unreasonable restraint of trade<br>4. Undue restraint of marriage<br>5. Contracts made on Sunday<br>6. Contracts contrary to public policy<br>7. Contracts charging illegal interest |
| 3. determine, from a selection of cases, whether legal purpose is present. | Have the students collect and examine newspaper legal cases for cases involving legality of subject matter or cases that may be contrary to the public interest. Ask the students to report on these cases, pointing out the facts or issues involved and the legal principle or principles that apply. | Newspapers<br><u>Contracts</u> (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| | Have the students prepare as a class project or a small group project, a list of things to avoid in personal and business relations in order to eliminate the possibility of difficulty regarding subject matter in consumer/ business matters. | |
| G. Termination of Contract | | |
| The student should be able to: | | |
| 1. develop an understanding of the legal concepts related to the termination of contracts; | Explain the legal concepts related to the termination of contracts. Have students discuss or debate cases whereby contracts have been terminated. | |
| 2. identify and explain methods of terminating contracts; | Have the students identify, define, and explain, with examples, the methods of terminating contracts. | <u>METHODS OF TERMINATING CONTRACTS</u><br>1. By performance<br>2. By tender<br>3. By mutual agreement<br>4. By impossibility of performance<br>5. By breach of contract<br>6. By an operation of the law |
| 3. determine, from given data, when, why, how, by whom, and whether a contract is terminated. | Work with the class in the examination and the analysis of cases to determine when, why, and by what means the contracts have been terminated. | Newspapers<br>Examples of legal cases |
| H. Remedies | | |
| The student should be able to: | | |
| 1. develop an understanding of the concept of remedies applicable to breaches of contracts; | Define <u>remedy</u>, <u>breach of contract</u>.<br><br>Explain the protective features of various types of remedies available to the injured parties:<br>- the victim of the breach is released from any further performance; | <u>REMEDY</u>: The means by which a violation of a right is prevented or compensated<br>OR<br>The legal means to recover a right, or to redress a wrong |

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| | - the victim is entitled to compensation for any losses suffered as a consequence of the breach;<br>- the victim has the right to sue for remedies if he receives no voluntary compensation. | BREACH OF CONTRACT: A breaking of the obligation which a person had accepted under the terms of a contract |
| 2. identify and explain the remedies applicable to breaches of contracts; | Have the students make up a list of remedies for a breach of contract such as damages, specific performance, and injunction.<br><br>Define and explain the remedies, and suggest situations where each might be appropriate. | DAMAGES: The award recovered by court action for injury or loss caused by another<br><br>SPECIFIC PERFORMANCE: The performance of an agreement according to the exact terms originally agreed upon<br><br>INJUNCTION: A court order forbidding the doing of a specified act - the breaking of a contract |
| 3. determine, from given data, whether and how a contract has been breached and suggest an appropriate remedy. | Have the students collect items from newspapers and from legal cases showing the remedies allowed for a breach of contract. Ask the students to identify the remedies and prepare a bulletin board display. | Newspapers<br>Examples of legal cases |
| VI. REAL PROPERTY | | |
| A. Purchasing Real Property | | |
| The student should be able to: | | |
| 1. define real property; | Discuss and define the term, real property. | REAL PROPERTY: Land; anything attached to land, such as trees, fences, houses; and any fixtures to the structures |
| 2. identify and explain the different types of real property holdings; | Explain that the law of real property is very involved and is one of the most documented areas of law. The Canadian real property law is largely a restatement of English law. | Take Notice (Spetz)<br>Canadian Law (Jennings/Zuber)<br>All About Law (Gibson/Murphy) |

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| | | Property and Succession Law, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba |
| | Have the students prepare a report on the beginnings of our land system. Identify and discuss the following types of real property: estate in fee simple; life estate; joint tenants; and tenants in common. | ESTATE IN FEE SIMPLE: An estate of freehold, giving the most extensive interest a private citizen can hold in land<br><br>LIFE ESTATE: An estate held by a person for the duration of his life, or the life of some other person or persons<br><br>JOINT TENANTS: Ownership of land in common with a right of survivorship<br><br>TENANTS IN COMMON: Each partner owns interest in the whole property and is entitled to sell his interest |
| 3. outline and explain the procedures for buying real property. | Have the students research and prepare a report on procedures for buying real property.<br><br>Ask a real estate broker/sales person to speak to the class. | You and the Law (Reader's Digest)<br><br>Take Action (Spetz)<br><br>Canadian Law (Jennings/Zuber)<br><br>Resource Unit for Real Property, available from Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba |

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| B. Renting<br><br>The student should be able to: | | |
| 1. develop an understanding of the purpose of the rental contract; | Explain that the purpose of the rental contract is to protect the landlord and the tenant. Have students prepare reports/posters/bulletin board displays to show the responsibilities of both landlords and tenants in rental agreements. | Landlord and Tenant Act<br>Manitoba Gazette |
| 2. identify and explain the classes of tenancy; | Discuss the following classes of tenancy: fixed-term; periodic; tenancy at will; tenancy at sufferance. | FIXED-TERM TENANCY: A rental contract giving the right to occupy the property for a stated period of time<br><br>PERIODIC TENANCY: A rental contract which renews itself on the last day of the term for a further period of time of the same length<br><br>TENANCY AT WILL: A rental agreement in which the occupancy of the property can terminate at any time either by the will of the landlord or of the tenant<br><br>TENANCY AT SUFFERANCE: A situation in which the "tenant" occupies the property without the owner's consent |
| 3. identify and explain types of leases; | Define the term tenancy agreement/lease. Identify and discuss the types of leases. | TENANCY AGREEMENT/LEASE: An agreement between a landlord and a tenant for possession of residential premises<br><br>TYPES OF LEASES<br><br>1. Oral Lease<br>2. Written Lease |

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| 4. outline and explain the purpose and the requisites of a written lease; | Discuss the protective sections of the written lease.<br><br>Ask students to obtain examples of leases for discussion and for a bulletin board display. Have students explain to the class the various sections and clauses of the written lease. | <u>REQUISITES OF A WRITTEN LEASE</u><br><br>1. The names of the parties (lessor and lessee)<br>2. A description of the premises<br>3. The commencement date and term<br>4. The duration of the term<br>5. The rent and how it is to be paid<br>6. The material terms of the contract (heat, light, responsibility for damage)<br><br><u>Property and Succession Law</u> (PLEA) available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| 5. develop an awareness and an understanding of the provincial legislation dealing with real property leases; | Discuss the Landlord and Tenant Act.<br><br>Have guest speakers (landlords/tenants/ provincicl officials) address the class. | Landlord and Tenant Act |
| 6. describe the rights and obligations of the landlord and the tenant. | Discuss by using case studies and by referring to the Landlord and Tenant Act, the rights and obligations of both parties.<br><br>Have the students prepare a report on the rights and obligations of the landlord and tenant. | <u>Landlord and Tenant Law</u> (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br><u>You and The Law</u> (Reader's Digest) |

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| VII. PERSONAL PROPERTY<br><br>A. Possession and Ownership<br><br>The student should be able to: | | Property and Succession Law (PLEA) available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| 1. define personal property; | Explain the term personal property, giving examples.<br><br>Have the students list examples of personal property. | PERSONAL PROPERTY: All forms of property other than real property<br>OR<br>movable property: goods and chattels |
| 2. explain possession in relation to real property; | Discuss the three classes of possession: custody possession; legal possession; right to possess.<br><br>Use case studies and/or have the students supply examples. | CUSTODY POSSESSION: Physical control over chattels without legal rights of protection, e.g., a thief has custody/possession of stolen goods<br><br>LEGAL POSSESSION: Physical control of chattels with the intent to control the chattel for one's own purposes, and with the legal right of protection<br><br>RIGHT TO POSSESS: Right to possession of chattels after legal possession was unlawfully challenged |
| 3. explain ownership in relation to real property. | Explain that the owner of a car which was stolen has had legal possession unlawfully interferred with and based on the "right of possession" can sue to recover the stolen chattel.<br><br>Discuss the term ownership. Identify the two most important rights of ownership:<br><br>- the right to control and to dispose of property;<br>- the right to possession.<br><br>Emphasize that ownership is a bundle of rights.<br><br>Explain that the owner of the goods is the person who, in law, has the best title. | OWNERSHIP: Title to goods |

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| B. Methods of Acquiring Title<br><br>The student should be able to:<br><br>1. develop an understanding of the methods of acquiring title to personal property; | Discuss the concept of ownership (title) and the methods of acquiring title to personal property:<br><br>- original acquisition (occupancy, creation, accession, confusion);<br><br>- derivative acquisition. | Property and Succession Law (PLEA)- available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| 2. identify and explain the methods of acquiring title to personal property. | Emphasize derivative acquisition rather than original acquisition.<br><br>Explain that one cannot give a title better than one's own.<br><br>Discuss the following in relation to derivative acquisition of personal property: finding; gift; bailment; pledge; and lien. | DERIVATIVE ACQUISITION: The acquiring of title by transferring title to goods |
| C. Finding<br><br>The student should be able to:<br><br>1. explain finding as it relates to derivative acquisition of title. | Discuss the situation whereby the finder of lost goods acquires title against all the world but the true owner. There exists a liability of the finder to the true owner for gross negligence and conversion of the goods.<br><br>Use case studies and/or examples presented by students. | Property and Succession Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

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| D. Gifts<br><br>The student should be able to:<br><br>1. develop an understanding of the relationship between gifts and the derivative acquisition of title; | Discuss and define gifts, donor, donee. | Property and Succession Law (PLEA)- available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br>GIFT: A gratuitous transfer of title to goods passing from the donor to the donee<br><br>DONOR: The person giving the gift<br><br>DONEE: The person receiving the gift |
| 2. explain the relationship between gifts and the derivative acquisition of title. | Explain the three general ways of making gits.<br><br>Emphasize that the person giving the gift (donor) can transfer no better title than the donor has. | WAYS OF MAKING GIFTS<br><br>1. Transfer between living persons<br>2 Transfer by will<br>3. Gift in contemplation of death |
| E. Bailment<br><br>The student should be able to:<br><br>1. develop an understanding of the relationship between bailment and the derivative acquisition of title; | Discuss and define the terms bailment, bailor, bailee.<br><br>Explain that a bailment exists any time personal property is in the possession of someone who is not the rightful owner. | Canadian Law (Jennings/Zuber), pp. 270-286<br>All About Law (Gibson/Murphy), pp. 222-233<br>Property and Succession Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

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| | Use case studies and have the students provide personal examples to illustrate the terms <u>bailment</u>, <u>bailor</u>, <u>bailee</u>.<br><br>Have the students make a list of as many businesses as they can that are concerned exclusively with bailments.<br><br>Prepare another list of businesses in which bailments are involved in connection with other business transactions. | <u>BAILMENT</u>: A situation in which one person has legal possession of the chattels of another person, pursuant to an agreement between the two parties to transfer possession temporarily<br>OR<br>the delivery of goods to a person for a purpose other than a sale (e.g., a repair, a loan, etc.)<br><br><u>BAILOR</u>: The person who owns the goods (and who has agreed to deliver his/her property) which are in the possession of another<br><br><u>BAILEE</u>: The person who has agreed to receive the property and has temporary possession |
| 2. identify and explain the classes of bailment. | Explain the main classes of bailment:<br><br>- gratuitous bailment;<br>- bailment for reward.<br><br>Have the students give examples of gratuitous bailment and discuss the custodial duty of care as it relates to gratuitous bailment.<br><br>Provide examples of bailment for reward.<br><br>Have the students give personal examples of bailment for reward, and discuss liability for negligence to personal property.<br><br>Have the students consult the classified section of the telephone directory and list five different businesses concerned with the storage of goods, repair services, rental of personal property, etc. | <u>GRATUITOUS BAILMENT</u>: The type of bailment in which one of the parties does a favour to the other party or performs some service free of charge<br><br><u>BAILMENT FOR REWARD</u>: The type of bailment for the benefit of both parties |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| F. Pledge and Lien<br><br>The student should be able to: | | Canadian Law (Jennings/Zuber)<br>All About Law (Gibson/Murphy)<br>Property and Succession Law, available from the Department of Education Library 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3. |
| 1. Define the term pledge. | Discuss and define the term pledge. | PLEDGE: A bailment as security for the repayment of a debt |
| 2. explain how the principles of bailment apply to a pledge; | Emphasize the liability for negligence to, and the duty of care for, the pledged goods. | |
| 3. define the term lien; | Discuss and define the term lien. | Canadian Law (Jennings/Zuber)<br>All About Law (Gibson/Murphy)<br>Property and Succession Law, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3.<br><br>LIEN: The right to hold property as security until an obligation involving that property has been paid<br>OR<br>the right to hold or charge the property of another as security for an obligation |
| 4. explain how the principles of bailment apply to a lien. | Emphasize the fact that the lienholder has a legal right to possess the goods, but ownership of the goods does not pass, and that the lienholder does not generally have the right to sell goods.<br><br>Discuss the above in relation to the right of lien on a car owned by a student. | Warehouseman's Lien Act<br><br>Mechanics Lien Act<br><br>Garage Keepers Act |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| VIII. FAMILY LAW | | |
| A. Purposes of Family Law | | |
| The student should be able to: | | |
| 1. develop an understanding of the purpose of family law. | Explain that family law relates to all legal family rights, and that family law in Manitoba is dealt with for the most part by three courts: Provincial Judges' Court, County Court, The Court of the Queen's Bench. | Family Law (PLEA), Resource Unit for Family and Divorce Law, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br>Family Law in the Public Interest, A Law Series (Merker). |
| B. Engagement and Marriage Contracts | | |
| The student should be able to: | | |
| 1. understand that engagement and marriage are contracts; | Discuss the similarities and differences of the engagement contract and the marriage contract in comparison to a business contract. Have students discuss the nature of a contract as it relates to engagements and/or marriage. | Family Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue Winnipeg, Manitoba R3G 0T3.<br><br>All About Law (Gibson/Murphy) |
| 2. identify the rights and responsibilities of each partner; | Have the students discuss and prepare reports on the rights and responsibilities of each partner. | Textbooks |
| 3. list and explain the requirements of a valid and legal marriage. | Discuss the requirements of a valid and legal marriage. | REQUIREMENTS OF A VALID MARRIAGE<br><br>1. Freedom of both partners to marry<br>2. Mental capacity of both partners<br>3. Affinity and consaguinity<br>4. Mutual free consent to the marriage<br>5. Proper age<br>6. Statutory formalities |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| C. Termination of Engagement/ Marriage Contracts<br><br>The student should be able to: | | |
| 1. understand the remedies available if an engagement contract is terminated; | Discuss and list the remedies for a terminated engagement contract. Have students provide the legal rationale behind remedies. | |
| 2. identify the legal grounds for annulment, separation, and divorce; | Arrange the class in small groups to discuss legal grounds for annulment, separation, and divorce.<br><br>Students should consider the social values behind the laws that contribute to the termination of marriage contracts. | All About Law (Gibson/Murphy)<br>Canadian Law (Jennings/Zuber)<br><br>Family Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br>Family Court (film about a separation), National Film Board. |
| 3. understand the remedies available if a marriage contract is terminated. | Have the students research sources of information in the library and prepare a report on remedies following the termination of a marriage contract. | Family Maintenance Act<br>Marital Property Act<br>Divorce Act |
| D. Common-Law Relationships<br><br>The student should be able to: | | |
| 1. understand the legal implications of a common-law relationship. | Discuss the history and the present situation of common-law unions. Have students determine why the term common-law is applicable to such relationships. | Family Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| E. Children<br><br>The student should be able to: | | |
| 1. understand the rights and obligations of parents and children; | Have the students discuss the rights and obligations of parents and children. Have students research their rights as minors, their obligations as children, and their responsibilities as citizens, with regard to family law. | |
| 2. list the legal procedures for determining custody of children following a marriage breakup; | Explain that the child's best interests are the paramount considerations in the "Court" deciding who gets custody.<br><br>Have the students discuss the custody agreement, elements for determination of custody, types of custody. | The Child Welfare Act<br><br>Juvenile Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3<br><br>ELEMENTS FOR DETERMINATION OF CUSTODY<br><br>1. Conduct of parents<br>2. Mental and physical fitness of parents<br>3. Financial standing of parents<br>4. Wishes and plans of parents<br>5. Ability to provide suitable environments<br><br>TYPES OF CUSTODY<br><br>1. Joint custody<br>2. Custody to strangers |
| 3. identify the legal procedures involved in adoption. | Have the students identify, discuss, and prepare a report on the legal procedures involved in adoption.<br><br>Have students discuss the social implications of adoption and the alternatives that society must face if adoption is not a solution for children without legal parents. | All About Law (Gibson/Murphy)<br><br>The Child Welfare Act |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
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| IX. WILLS AND INHERITANCES<br><br>A. Inheritance by Will<br><br>The student should be able to: | | |
| 1. understand the need for and the importance of preparing a will; | Explain and define the term <u>will</u>. Use the definition as a basis for discussing the importance of preparing a will. Have students practice preparing wills for their personal assets. | <u>WILL</u>: A document by which a person directs how his property is to be disposed of after his death |
| 2. understand who has the legal capacity to make a will; | Discuss and identify the legal qualifications for an individual to make a will. Have students outline under what circumstances a will may be made. | <u>QUALIFICATIONS TO MAKE A VALID WILL</u><br>1. Testator must have reached the age of majority.<br>2. Testator must be of sound and disposing mind.<br>3. Testator must be free from undue influence by another person. |
| 3. identify the type of wills; | Discuss the ordinary wills prepared with the aid of a lawyer, and holograph wills. | Examples of ordinary wills and holograph wills. |
| 4. explain the advantages of ordinary wills and holograph wills; | Have the students compare ordinary wills with holograph wills. | Textbooks<br><br><u>Resource Units for Wills, Estates, and Trusts</u>, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| 5. list the duties of an executor/executrix, administrator/administratrix or trustee. | Explain, and have the students list, the duties of executor/executrix, administrator/administratrix or trustee.<br><br>Define and explain the above terms.<br><br>Have the students study the contents of wills to become familiar with the meaning of the legal terminology. | |

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| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| 6. understand the limitations on an individual's right to dispose of property by will. | Discuss the limitations on an individual's right to dispose of property by will.<br><br>Have the students research the following acts and report their impact on the way an estate is divided: Devolution of Estates Act, Dower Act, The Testator's Family Maintenance Act. | Textbooks<br><br>Succession Duty Guide: Taxation Division, Department of Finance, Norquay Building, Winnipeg, Manitoba<br><br>Property and Succession Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| B. Inheritance by Law<br><br>The student should be able to:<br><br>1. describe the distribution of property not disposed of by will. | Have the students research and prepare a paper on the topic, "Inheritance by Law."<br><br>Search the newspaper to select cases involving the transfer of property by will or inheritance.<br><br>Work with the students to analyze these cases for legal points at issue. | Newspapers<br><br>Examples of legal cases |
| X. MANITOBA LAW<br><br>A. Agencies<br><br>The student should be able to:<br><br>1. identify and explain the function of the agencies which provide information and protection to the individual. | Have the students prepare a paper listing provincial agencies and explaining the functions of each.<br><br>Suggested agencies: Ombudsman; Rentalsman; Consumers' Bureau; Motor Vehicle Branch (Ministry of Highways and Transportation); | Manitoba Directory of Public Legal Information, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| | Manitoba Human Rights Commission; Manitoba Police Commission; Consumers' Association of Canada; Family Services of Canada.<br><br>Arrange for guest speakers from some of these agencies. | |
| B. Publications<br><br>The student should be able to:<br><br>1. identify sources and kinds of legal information available in published form. | Use the list of suggested agencies, and work with the students to prepare a list of publications provided by each of the agencies.<br><br>Request copies of the publications and develop a filing system for them.<br><br>Have groups of students prepare charts/bulletin board displays using the publications. | Examples of publications<br><br>Resource Unit for Consumer Law: The Provincial Ombudsman, available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| C. Special Resources<br><br>The student should be able to:<br><br>1. identify other sources of legal information and assistance. | Have the students research the following:<br><br>Law Society of Manitoba; Women's Bureau; Law Library (University of Manitoba).<br><br>Have groups of students prepare charts/bulletin board displays using the special resources. | |
| XI. INSURANCE CONTRACTS<br><br>A. Insurance and Risk Protection<br><br>The student should be able to:<br><br>1. develop an understanding of economic risks; | Discuss the types of economic risks faced by people and business organizations, and the | Textbooks |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| | effect these risks have on the local and Canadian economy. Have students rank a list of risks that would be common to a small business, in terms of the likelihood of loss. | |
| 2. understand and explain the concept of risk-sharing through insurance; | Explain the risk-sharing feature of insurance, and define <u>insurance</u>. | <u>INSURANCE</u>: A pooling arrangement to share the burden of loss |
| 3. list the types of risks that can be insured. | Invite guest speakers from an insurance company to explain the types of risks that can be insured.<br><br>Have the students prepare bulletin board displays about insurance. | Textbooks<br><br>Pamphlets and booklets from insurance companies |
| B. Kinds of Insurance<br><br>The student should be able to: | | |
| 1. develop an awareness of the different kinds of insurance; | Discuss the need for different kinds of insurance. Relate the need for the different kinds of insurance to the concept of risk-sharing through insurance. Have students explain why insurance premiums are related to the risk. | |
| 2. identify the kinds of insurance protection. | Have the students research and prepare a report on the different kinds of insurance. Emphasize the need for the different kinds of insurance protection that a small business and/or homeowner would require. Have students prepare a comprehensive plan for their insurance needs, complete with a premium schedule. Discuss automotive insurance as it is handled in Manitoba. | Textbooks |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| XII. EMPLOYMENT LAW | | |
| A. Employer/Employee Relationships | | |
| The student should be able to: | | |
| 1. understand the need for and the importance of laws to regulate employer/employee relationships; | Collect examples of employment contracts. Work with the students to study the contract and to develop a list of items requiring regulation by law. Emphasize the protective feature of the regulations for employer and employees. | Employment contracts |
| 2. identify and explain the three categories of employer/employee relationship; | Discuss the categories in employer/employee relationships: agency, independent contractor, master and servant. Explain that each relationship has different legal consequences. | Employment Law (PLEA), available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |
| 3. understand that the degree of responsibility of the employer/employee varies with the status of the employee; | Discuss and have the students identify the degrees of responsibility owing to the employer and to the employee. Discuss the employer/employee relationship as a contract. | Canadian Law (Jennings/Zuber)<br>Law and the Labour Force: In the Public Interest, A Law Series (Deibert)<br>All About Law (Gibson/Murphy) |
| 4. explain the rights and responsibilities of the employer and employee in each of the three categories of employer/employee relationships. | Have the students prepare a report on the rights and responsibilities of the employer and employee in the following categories of the employer/employee relationship: agency, independent contractor, master and servant. | Textbooks |
| B. Employment Contract | | |
| The student should be able to: | | |
| 1. understand the need for and the importance of an employment contract; | Explain the importance of the employment contract to protect the employee and employer. Have students relate the features of an employment contract to their own part-time job experiences. | Employment Law (PLEA), available available from the Department of Education Library, 1181 Portage Avenue, Winnipeg, Manitoba R3G 0T3 |

| GOALS AND OBJECTIVES | TEACHERS' NOTES AND SUGGESTED ACTIVITIES | SUGGESTED MATERIALS |
|---|---|---|
| 2. identify and describe the basic elements included in an employment contract; | Identify, describe, and discuss each of the basic elements of the employment contract.<br><br>Discuss the similarity of employment contracts to other types of contracts. Have the students discuss duration and terms as related to employment contracts. | ELEMENTS OF THE EMPLOYMENT CONTRACT<br><br>1. Offer (to provide work)<br>2. Acceptance (of work)<br>3. Consideration<br>- promise of employee to provide service<br>- promise of employer to pay for labour<br>4. Capacity (to do the job)<br>5. Legality (of the job)<br>6. Intent (to perform one's obligations) |
| 3. develop an awareness of the legislation for employment contracts under common and statute law; | Discuss the common and statute law developments for employment contracts related to hours of work, minimum wages, unemployment insurance, vacations with pay, workers' compensation, etc. | LEGISLATION FOR EMPLOYMENT CONTRACTS<br><br>1. Employment Standards Act<br>2. Workplace Safety and Health Act<br>3. Payment of Wages Act<br>4. Vacations with Pay Act<br>5. Workers' Compensation Act<br>6. Unemployment Insurance Act<br>7. Manitoba Human Rights Act<br>8. Pension Benefits Act<br>9. Lord's Day Act |
| 4. develop an awareness of the employer/employee rights, responsibilities, and protection under common and statute law. | Have the students refer to sources of information and prepare a report on employer/employee rights, responsibilities, and protection. | Textbooks |

# CORRELATION OF COURSE CONTENT WITH SUPPORT MATERIALS

## APPROVED TEXTBOOKS

| COURSE CONTENT | Gibson, D., et al. All About Law: Exploring the Canadian Legal System | Jennings, W. H. Canadian Law; 3rd ed. | Spetz, S. N. Take Notice: An Introduction to Canadian Law |
|---|---|---|---|
| I. ORIGIN AND HISTORY | | | |
| A. Reasons for Law | Chapters 1, 2 | Chapter 1 | Unit 1 - Part 1 |
| B. History of Law | Chapters 1, 2 | Chapter 1 | Unit 1 - Part 1 |
| II. CANADIAN LEGAL SYSTEM | | | |
| A. Sources of Law | Chapter 3 | Chapter 1 | Unit 1 - Parts I, II |
| B. Divisions of Law | Chapter 1 | Chapters 1, 2, 3 | Unit 1 - Parts I, II |
| C. Court System | Chapters 5, 9 | Chapter 3 | Unit 1 - Part III |
| III. CRIMINAL LAW | | | |
| A. Nature of a Crime | Chapter 5 | Chapter 2 | Unit 2 - Part I |
| B. Safeguards of Individual Liberty | Chapter 6 | Chapter 5 | Unit 2 - Part III |
| C. Criminal Justice Procedure | Chapter 7 | Chapter 2 | Unit 2 - Parts III, IV |
| D. Specific Offences | Chapter 8 | Chapter 2 | Unit 2 - Part II |
| E. Punishment and Rehabilitation | Chapter 7 | Chapter 2 | Unit 2 - Part V |
| IV. TORTS | | | |
| A. Legal Concepts | Chapter 10 | Chapters 4, 5 | Unit 3 - Part I |
| B. Definition and Classification | Chapter 10 | Chapter 4 | Unit 5 - Part I |
| C. Civil Procedure | Chapter 9 | Chapters 2, 5 | Unit 5 - Part IV |
| D. Remedies | Chapters 9, 10 | Chapter 4 | Unit 3 - Parts I, II |
| V. CONTRACTS | | | |
| A. Nature of Contracts | Chapter II | Chapter 8 | Unit 6 - Part I |
| B. Offer and Acceptance | Chapter II | Chapter 9 | Unit 6 - Part I |
| C. Consideration | Chapter II | Chapter 10 | Unit 6 - Part III |
| D. Genuine Consent | Chapter 12 | Chapter 12 | Unit 6 - Part II |
| E. Capacity | Chapter 12 | Chapter 11 | Unit 6 - Part II |
| F. Legality | Chapter 13 | Chapter 11 | Unit 6 - Part IV |
| G. Termination of Contract | Chapter 13 | Chapters 14 - 17 | Unit 6 - Part IV |
| H. Remedies | Chapter 13 | Chapterss 14 - 17 | Unit 6 - Part IV |

APPROVED TEXTBOOKS

| COURSE CONTENT | Gibson, D., et al. | Jennings, W. H. | Spetz, S. N. |
|---|---|---|---|
| VI. REAL PROPERTY | | | |
| A. Purchasing Real Property | Chapter 17 | Chapter 27 | Unit 10 - Parts I, II |
| B. Renting | Chapter 18 | Chapter 29 | Unit 10 - Part II |
| VII. PERSONAL PROPERTY | | | |
| A. Possession and Ownership | Chapter 16 | Chapter 23 | Suggested Resources |
| B. Methods of Acquiring Title | Chapter 16 | Chapter 23 | Suggested Resources |
| C. Finding | Chapter 16 | Chapter 23 | Suggested Resources |
| D. Gifts | Chapter 16 | Chapter 23 | Suggested Resources |
| E. Bailment | Chapter 16 | Chapter 23 | Suggested Resources |
| F. Pledge and Lien | Chapter 16 | Chapter 23 | Suggested Resources |
| VIII. FAMILY LAW | | | |
| A. Purpose of Family Law | | | |
| B. Engagement and Marriage Contracts | Chapter 21 | Chapter 6 | Unit II - Part I |
| C. Termination of Engagement/ Marriage Contacts | Chapter 22 | Chapter 6 | Unit II - Part I |
| D. Common-Law Relationships | Chapter 22 | Chapter 6 | Unit II - Part I |
| E. Children | Chapter 23 | Chapter 23 | Unit II - Part I |
| IX. WILLS AND INHERITANCE | | | |
| A. Inheritance by Will | Chapter 24 | Chapter 30 | Unit II - Part I |
| B. Inheritance by Law | Chapter 24 | Chapter 30 | Unit II - Part I |
| X. MANITOBA LAW | | | |
| A. Agencies | Suggested Resources | Suggested Resources | Suggested Resources |
| B. Publications | Suggested Resources | Suggested Resources | Suggested Resources |
| C. Special Resources | Suggested Resources | Suggested Resources | Suggested Resources |
| IX. INSURANCE CONTRACTS | | | |
| A. Insurance and Risk Protection | Suggested Resources, Chapter 9 | Chapter 31 | Suggested Resources |
| B. Kinds of Insurance | Suggested Resources, Chapter 9 | Chapter 31 | Suggested Resources |

## APPROVED TEXTBOOKS

| COURSE CONTENT | Gibson, D., et al. | Jennings, W. H. | Spetz, S. N. |
|---|---|---|---|
| XII. EMPLOYMENT LAW | | | |
| A. Employer/Employee Relationships | Chapters 19, 20 | Chapters 18, 19 | Unit 12 |
| B. Employment Contract | Chapters 19, 20 | Chapters 18, 19 | Unit 12 |

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Canadian Criminal Court Procedures, filmstrips, cassettes, and other materials. Target Canada, 3991 West 11th Avenue, Vancouver, British Columbia V6R 2L1

Civil Liberties, package, similar format, obtainable from the same address.

Committee Report on the Auditor-General's Office, Publishing Section, Supply and Services Canada, Hull, Quebec K1A 0S9

Counter Attack, kit on Drinking and Driving (3 filmstrips, sound cassettes, lesson packages, game, teacher's manual, etc.). Ms. G. Harlow, Counter Attack Information Services, Director of Information, The Bridge, 800 Hornby Street, Vancouver, British Columbia, V6Z 2C5.

Films, speakers, pamphlets, posters, information of various kinds: Royal Canadian Mounted Police.

Information from: Chartered banks, Chambers of Commerce, probation officers, local merchants (re: shoplifting, vandalism, etc.) judges, members of crisis intervention groups, restitution and rehabilitation committees, Legal Aid, PLEA, Law Society, local police, municipal, provincial and federal government departments.

Klinic Community Health Centre, 545 Broadway Ave., Winnipeg, Manitoba R3C 0W3.

League for Life of Manitoba, 579 Des Meurons, Winnipeg, Manitoba R2H 2P6

Manitoba Consumers Bureau, 307 Kennedy St., Winnipeg, Manitoba R3C 0V8

National Parole Service, 622 St. James Street, Winnipeg, Manitoba.

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"Canadian Criminal Cases." Canada Law Book Limited, 80 Cowdray Court, Agincourt, Ont. M1S 1S5

"I Declare." Revenue Canada, Customs and Excise, Connaught Bldg., Mackenzie Ave., Ottawa, Ont. K1A 0L5

"The Law Society of Upper Canada Gazette." Subscribe to: John Honsberger, Room 501, 85 Richmond Street West, Toronto, Ont. M5H 2C9

"Liaison Magazine." Communications Division, Program Branch, Ministry of the Solicitor General, 340 Laurier Avenue, West, Ottawa, Ont. K1A 0P8.
This magazine provides - along with many other valuable features - information on new publications.

"Manitoba Gazette." Queen's Printer, Winnipeg, Manitoba

"Manitoba Law Journal." University of Manitoba, Faculty of Law, Robson Hall, Winnipeg, Manitoba R3T 2N9

"Money Sense." Toronto-Dominion Bank. Consumer Sales Dept., P.O. Box 7700, Winnipeg, Manitoba R3C 3E7

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"Information on Wills." Manitoba Department of Agriculture, Publications Section, 411 York Avenue, Winnipeg, Manitoba R3C 3M1

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